

REMARKS

Claims 1-22 were pending in the application.
Claims 1-4, 6-9, 11-16 and 18-22 were rejected.
Claims 5, 10 and 17 were objected to.
Claims 1-3, 7-9, 12-15 and 19-22 were rejected under 35 U.S.C. 102(b).
Claims 6, 11 and 18 were rejected under 35 U.S.C. 103(a).
Claim 4 was rejected under 35 U.S.C. 112.

Claim Rejections – 35 U.S.C. § 112

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 has been amended to overcome this rejection.

Allowable Subject Matter

Dependent claims 5, 10 and 17 are objected to as being dependent upon a rejected base claim, are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, new independent claims 23-25 have been added which comprise dependent claims 5, 10 and 17 rewritten in independent form to include the limitations of these allowable dependent claims. Furthermore, claims 5 and 17 have been cancelled. Claim 10 has been amended, deleting the feature added to independent claim 24, and directed to the feature of allowable dependent claim 5 (which was not recited in dependent claim 10 as filed).

Claim Rejections – 35 U.S.C. § 102(b)

Claims 1-3, 7-9, 12-15 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by McGill.

Applicants traverse this rejection. McGill does not teach or suggest the claimed invention for the reasons set forth in detail below.

Claims 1-3, 7-9, 12-15 and 19-22 of the present invention are distinguishable over McGill. The second bars below the fixed first bars are moved upwardly and downwardly to

control the flow of the air between the first and second bars. That is, gaps between the first and second bars through which the air passes are changed in accordance with the upward and downward movements of the second bars to control the flow of the air. This is not taught or suggested by McGill. Neither is the subject matter of the dependent claims relating to the first and second bars, the control member, or the air filter taught or suggested by McGill.

On the contrary, McGill discloses control plates having openings. These plates are rotated to control the flow of the air though the openings. Thus, the opened area of the openings is altered in accordance with the rotary movements of the control plates.

In controlling the flow of the air in an air velocity control device, the upward and downward movements of the second bars are clearly different from the rotary movements of the control plates. Therefore, because of the differences which exist between claims 1-3, 7-9, 12-15 and 19-22 and McGill, the subject claims are not anticipated.

In order for a prior art reference to anticipate a claim under 35 USC 102 (e), each and every element of the claimed invention must be identically shown in the reference. For the reasons set forth above, the Examiner has not made a *prima facie* case of anticipation.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 6, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGill in view of Wilson.

Applicants traverse this rejection. McGill does not teach or suggest the claimed invention for the reasons set forth in detail above. Wilson merely discloses the presence of a manometer.

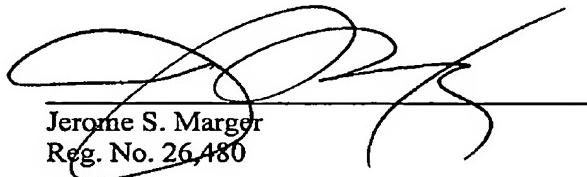
Absent some motivation, incentive, or suggestion in the prior art supporting the modification of a reference, obviousness cannot be established by combining the teachings of the prior art to modify the reference for purposes of producing the claimed invention. To make an obviousness rejection based on a combination of references, the Examiner must be able to point to a reference which suggests the combination. Absent such a suggestion, the Examiner has impermissibly used Applicants' teachings to examine the prior art for the claimed elements, and combine them as claimed. The Examiner's rejection under 35 U.S.C.

103(a) is based on hindsight reconstruction using the teachings of Applicants' own claims. For the reasons hereinafter set forth, the Examiner has not made a prima facie case of obviousness.

For the foregoing reasons, reconsideration and allowance of claims 1-4, 6-16, and 18-25 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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